THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12458 of 2006

10.4.2007

Between:

Motupalli Subba Rangaiah, S/o.Chinna Ramanna

… Petitioner

AND

The Revenue Divisional Officer, Ananthapur
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12458 of 2006

ORDER:

The petitioner is allegedly holder of hereditary rights in the land admeasuring Acs.5.13 in survey No.38 situated at Rayalacheruvu village of Yadiki Mandal in Ananthapur District. The land originally belonged to Rachakonda Seshaiah, who allegedly executed a registered agreement dated 15.2.1917 bequeathing permanent cultivation rights in favour of petitioner's father. The same was burdened with performing of pooja in Sri Manikya Seetharama Swamy Temple at Rayalacheruvu village. Subsequently Rachakonda Seshaiah executed a registered gift deed in favour of Chandramouli and Meera Saheb as trustees of the temple, who in turn leased out the land to petitioner's father. By reason of this, the petitioner obtained Pattadar Pass Book (PPB) and Title Deed (TD) from the Mandal Revenue Officer, Yadiki Mandal (MRO), second respondent herein, on 15.5.1992. The third respondent approached the second respondent for cancellation of PPB and TD contending that the land belongs to the temple. By proceedings in D.Dis.B/98/2005, dated 21.12.2005, second respondent cancelled PPB and TD issued to the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the first respondent and also moved an application for stay of the proceedings of the MRO. Alleging that no orders are passed thereon nor the appeal was disposed of, the present writ petition is filed seeking a direction to respondents 3 and 4 not to conduct auction pending consideration of the appeal by the first respondent.

The writ petition was filed on 21.6.2006, as the temple issued auction notice on 06.6.2006 to lease out the agricultural land. The case was listed on 22.6.2006 and learned Counsel for the petitioner sought time. Thereafter the matter is coming up for admission before this Court after lapse of ten months. In all probability, the second respondent must have disposed of the appeal. Even otherwise, this Court observes that if the appeal is still pending, the first respondent

may pass appropriate orders in the appeal.

The writ petition, with the above observation, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

April 10, 2007.
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